

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

Milton McNeil,	)	
	)	
Petitioner,	)	Civil Action No.: 4:03-2820-12
	)	
vs.	)	
	)	
United States of America,	)	<b>ORDER</b>
	)	
Respondent.	)	
	)	

On August 28, 2003, pursuant to 28 U.S.C. § 2255, the petitioner commenced this pro se action attacking his guilty plea and sentence. On September 26, 2003, the government moved to dismiss the petition as premature. On October 3, 2003, the Court issued a Roseboro order advising the petitioner of summary judgment dismissal procedure and informing the petitioner that he must adequately respond within 34 days of the date of the order.

On April 29, 2005, the government filed a motion for summary judgment, and on May 6, 2005, the Court again issued Roseboro order advising the petitioner that he must adequately respond to the motion within 34 days of the date of the order. On July 6, 2005, the petitioner filed a motion to dismiss his petition without prejudice. The government does not object to this motion.

Accordingly, the Court dismisses this action without prejudice.

**AND IT IS SO ORDERED.**




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**C. WESTON HOUCK  
UNITED STATES DISTRICT JUDGE**

July 21, 2005  
Charleston, South Carolina